

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>DALLAS MCINTOSH, #B85114,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>Case No. 3:21-cv-00862-SMY</b>
	)	
<b>JEFFREY MILLER, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER DISMISSING CASE**

**YANDLE, District Judge:**

This matter is before the Court for case management. Plaintiff Dallas McIntosh filed the instant lawsuit pursuant to 42 U.S.C. § 1983 alleging deprivations of his constitutional rights at Pinckneyville Correctional Center. The Second Amended Complaint was dismissed at screening pursuant to 28 U.S.C. § 1915A (Doc. 20). Plaintiff was granted leave to file a Third Amended Complaint by June 15, 2022, which was subsequently extended to July 15, 2022 (Doc 23). He was warned that failure to file a Third Amended Complaint would result in a dismissal with prejudice for failure to comply with a court order and/or for failure to prosecute his claims (Doc. 20, p. 3). The deadline to file a Third Amended Complaint has passed and Plaintiff has not filed the pleading or requested an extension.

Accordingly, this case is **DISMISSED without prejudice** for Plaintiff's failure to comply with the Court's Order and failure to prosecute his claims. The Clerk of the Court is **DIRECTED** to enter final judgment and to close this case.

If Plaintiff wishes to appeal this Order, he must file a notice of appeal with this Court within thirty days of the entry of judgment. Fed. R. App. P. 4(a)(1)(A). A proper and timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline.

Fed.R.App.P. 4(a)(4). A Rule 59(e) motion must be filed no more than twenty-eight (28) days after the entry of the judgment, and this 28-day deadline cannot be extended.

If Plaintiff chooses to appeal, he will be liable for the \$505.00 appellate filing fee irrespective of the outcome of the appeal. A motion for leave to appeal *in forma pauperis* must set forth the issues Plaintiff plans to present on appeal. *See* Fed. R. App. P. 24(a)(1)(C). If the appeal is found to be nonmeritorious, Plaintiff may incur another strike under 28 U.S.C. § 1915(g).

Plaintiff is **ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee remains due and payable.

**IT IS SO ORDERED.**

**DATED: July 25, 2022**

*s/ Staci M. Yandle*  
**STACI M. YANDLE**  
**United States District Judge**